

Order No.11

11/10/2019

Presence as before. Through my this single order I intend to dispose off an application U/O 7 Rule 11 CPC, filed by the defendant No. 1 & 2 for the rejection of the plaint.

This application was strongly contested by the other party by filing replication and forwarding arguments thereto.

Brief facts of the the plaintiff filed the instant suit for recovery of an amount of Rs: 400,000/- against the defendants to the effect that the plaintiff is the resident of Tehsil Ismailzai, Orakzai. During military operation the plaintiff alongwith her family shifted from her home as IDP for 10 years. That during the military operation her house including all the luggage was completely destroyed. That after operation when she returned to her area, she was issued receipts/token under CLCP No. 96203 dated 30/05/2018 by the defendants. That after the aforesaid process all the CLCP holders were paid compensation through the present Deputy Commissioner but the record of the CLCP of the plaintiff is missing and nothing is paid to the plaintiff till yet. That the defendants were asked to admit the claim of the plaintiff but they refused, hence the present suit.

17/10/2019
 District Judge's Office
 Orakzai (P.S. 1/1/19)

Argument heard and perused.

After hearing of arguments and perusal of the record I have of the opinion that the ultimate investigating agency i.e. the defendant No. 1 has held in its enquiry, available

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on case file that the survey of the house of the plaintiff has been done in the name of her son namely Imtiaz S/O Eid Man Shah while she has got the survey done of the house of her brother in law namely Mr. Gul Zaman and not of her own house. Meaning thereby that she has tried to mis represent her cause and manipulate the process of the payment of compensation. Further the suit controversy is purely an administrative issue and the survey in question was never meant as the sure payment of compensation rather the scheme of the survey was a type of general assessment of losses subject to corrections and modifications, which may be appealed against to appellate authority within the hierarchy of the administration and not something to be corrected through a civil suit. Thus, the bare reading of the plaint does not disclose any cause of action against the defendants, therefore, the application in hand accepted and the plaint of the plaintiff is hereby rejected. No order as to costs. File be consigned to the record room after completion and compilation.


(Rehmat Ullah Wazir)
Civil Judge/JM-I,
Orakzai at (Baber Mela)